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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,088	12/23/2003	Hiroaki Sakaguchi	247046US6	8105

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1940 DUKE STREET
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EXAMINER

TURCHEN, JAMES R

ART UNIT	PAPER NUMBER
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2139

NOTIFICATION DATE	DELIVERY MODE
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10/12/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Advisory Action Before the Filing of an Appeal Brief	Application No. 10/743,088	Applicant(s) SAKAGUCHI, HIROAKI	
	Examiner James Turchen	Art Unit 2139	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 13 September 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN SIX MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) the date set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because:
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL -324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments, see page 2, filed 09/21/2007, with respect to the 35 USC 112 rejection of claims 7 and 11 have been fully considered and are persuasive. The 35 USC 112 rejection of claims 7 and 11 have been withdrawn.

Applicant's arguments filed 09/21/2007 regarding the 35 USC 103 rejections have been fully considered but they are not persuasive. Regarding the arguments to claims 1 and 6:

Belu inherently discloses the compression means and generation means. In paragraph 22, Belu discloses that the invention relates to compression of multiple files into a single file called an archive and then goes on to talk about data characteristics. It is inherent in the reference of Belu, that this is implemented on a computer system (it's well known in the art that a computer inherently contains at least a processor, memory, and hard drive). Furthermore, Belu grouping files by their extension [paragraphs 51, 61 -63] (such as .exe, .dll, .doc, etc), which inherently discloses that there is an operating system running on a computer system. Belu discloses compression, and generating and outputting, therefore, the means for compression, generation and output are inherently within the reference.

Belu discloses that the file header portion (first auxiliary data as disclosed by applicant) includes header information about the files in the sorted file list such as the name, location, size and the data and time of creation or modification, and so forth [paragraph 42]. It is well known in the art how to achieve a sum of information and those skilled in the art would require minimum difficulty to count each file and increment a number for each file within the compressed article. This is well known in the art and exists within Winzip (see NPL of prior office action, item 2 of figure 1 of Winzip discloses the total amount of files within the compressed file).


Regarding the arguments to claims 7 and 11:

It is common knowledge, and is obvious, that if one can compress and encrypt, than one of ordinary skill in the art would be able to do the reverse of the process.

The locations of individual ones of said plurality of individual programs are provided in the sorted file list [paragraph 42, discloses the header portion including information about the files in the sorted file list; paragraphs 29 and 30, reading attribute properties of each file, reading the size, location, name, and/or extension of each file]. Therefore upon decrypting, the file header portion would contain information about each file as listed above. As Belu inherently discloses a computer system, it is well known in the art that a processor performs the operations while reading and writing the data to and from memory.

Regarding the arguments to claims 4 and 19:

Applicant's arguments of claims 4 and 19 adding further features is not clear what the applicant is arguing, therefore, examiner is uncertain how to address applicant's arguments..


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